

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:99-CR-154-GCM**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES EMMANUEL BROWN,

Defendant.

ORDER

THIS MATTER IS BEFORE THE COURT on Defendant's Pro Se Motion to Reduce Sentence Pursuant to First Step Act 2018 (Doc. No. 170) and Pro Se Motion to Reduce Sentence Pursuant to First Step Act 2018 (Doc. No. 173) (together, "Motions"). "[T]he First Step Act is largely forward-looking and not retroactive, applying only where 'a sentence for the offense has not been imposed as of the date of enactment.'" *U.S. v. Wiseman*, 932 F.3d 411, 417 (6th Cir. 2019) (citation omitted). "Section 404 of the Act makes retroactive only certain statutory changes pertaining to threshold crack cocaine weights triggering mandatory minimum sentences that were enacted under the Fair Sentencing Act of 2010." *Id.* Here, Defendant was sentenced in 2000, long before passage of the First Step Act of 2018 ("First Step Act"), Pub. L. No. 115-391, 132 Stat. 5194 (2018). Further, the First Step Act does not apply retroactively because Defendant committed violent offenses, not drug offenses. Accordingly, Defendant's Motions are **DISMISSED**.

IT IS SO ORDERED.

Signed: June 9, 2020



Graham C. Mullen
United States District Judge

